

REMARKS

Applicants have noted and carefully studied the Examiner's comments, and have complied with the requirement under 35 U.S.C. 121 to elect a single disclosed species for prosecution. However, Applicants have herein respectfully traverse the restriction requirement based on Applicants' arguments below. With such traversal, Applicants submit that all of the pending claims are allowable as written.

§ 121 Restriction Requirement**Traversal**

Applicants cite to MPEP 808.02 and respectfully assert that at least because the classification with respect to class is the same (e.g., class 705), and the field of search is the same (e.g., class 705) for all 45 claims, and there is no clear indication, in the Office Action or otherwise of separate future classification based on class or field of search beyond class, that no reasons exist for dividing among related inventions, and therefore the requested restrictions are improper. As such, Applicants request that all of the pending 45 claims be examined together in under this one application.

Required Election

If the requested restrictions are maintained, Applicants respectfully elect claims 1-32, and 42-45 (claims identified by the Examiner as being directed to a system and method for providing downloadable subscription software using deletion data to perform accounting for the use of the software, classified in class 705, subclass 30) to be examined. Also, to the extent that Applicants do not elect the remaining claims, namely claims 33-41, (claims identified by the Examiner as being directed to a method for providing subscription-based software that uses a packet switching network, classified in class 705, subclass 26), Applicants make such an election without

prejudice to such non-elected claims, and reserve all of its rights to continue prosecution of such claims at an appropriate time and manner.

CONCLUSION

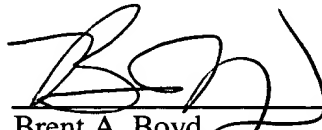
For the foregoing reasons, withdrawal of the restriction requirements and allowance of all the remaining claims is respectfully requested. If there are any questions or comments regarding this response, the Examiner is encouraged to contact the undersigned.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

Dated: August 16, 2004

By: _____


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